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5 IN THE UNITED STATES DISTRICT COURT

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9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

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WAYMO LLC,

No. C 17-00939 WHA

Plaintiff,

v.

UBER TECHNOLOGIES, INC., *et al.*,

**NOTICE RE CASE
MANAGEMENT DEADLINE
AND COMMUNICATION
FROM SPECIAL MASTER**

Defendants.

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Paragraph 10 of the case management order in this action states (Dkt. No. 563):

The parties shall please meet and confer and agree on a deadline by which plaintiff must make a final determination regarding the exact number and lineup of trade secrets to be tried. The final lineup should consist of less than ten trade secrets, and the deadline should fall on a date in August 2017 that will permit sufficient preparation time for opening expert reports. The parties shall please file a statement with a jointly proposed date for this deadline by **JUNE 16, 2017**.

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The special master has communicated to the Court that, on the brink of a meet and confer pursuant to the foregoing paragraph, the parties disagree as to whether the deadline for plaintiff Waymo LLC to finalize its trade secrets lineup should actually fall in July 2017 so defendants have more time for targeted discovery.

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The Court did in fact mean August 2017 (*see* Dkt. No. 625 at 51:15–52:4) because Waymo needs to receive adequate discovery to know which trade secrets it will go to trial with. Moreover, in this case, which is already pressed for time, the overall burden of discovery for Waymo is all the greater because of defendants' massive assertions of privilege. Nevertheless, the case management order already expressly acknowledges that the deadline should permit

1 sufficient preparation time for opening expert reports. In the meantime, defendants' experts
2 have the luxury of being able to prepare their reports as to *all* asserted trade secrets, if
3 necessary, until the list is narrowed, since they of course have unhindered access to defendants'
4 own technology and planned arguments for trial.

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6 Dated: June 16, 2017.


WILLIAM ALSUP
UNITED STATES DISTRICT JUDGE